

IN THE GRAND COURT OF THE CAYMAN ISLANDS

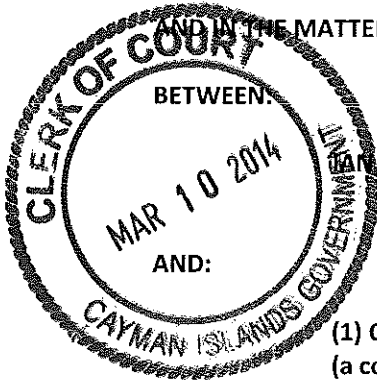
FINANCIAL SERVICES DIVISION

0026  
CAUSE NO: FSD of 2014

IN THE MATTER of a trust known as The Shipping and Shipbuilding Investments (1988) Star Trust  
made by Declaration of Trust dated 30 January 2001

AND IN THE MATTER of the Trusts Law (2011 Revision)

AND IN THE MATTER of GCR Order 85, Rule 2(2)(a)



BETWEEN:

LUCKNELL

AND:



Plaintiff

- (1) CALEDONIAN TRUST (CAYMAN) LIMITED  
(a company resident and incorporated in the Cayman Islands)  
(2) ANDREAS UGLAND  
(3) SCOTT LENNON  
(4) GENESIS TRUST & CORPORATE SERVICES LTD  
(a company resident and incorporated in the Cayman Islands)

Defendants

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ORIGINATING SUMMONS

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- TO: Caledonian Trust (Cayman) Limited at PO Box 1043, Caledonian House, 69 Dr Roy's Drive, George Town, Grand Cayman, KY1-1102, Cayman Islands
- AND TO: Andreas Ugland of PO Box 30464, 103 South Church Street, Grand Cayman, KY1-1202, Cayman Islands
- AND TO: Scott Lennon of PO Box 31527, Regatta Office Park, Windward 1, Suite 110, Grand Cayman, KY1-1207, Cayman Islands
- AND TO: Genesis Trust & Corporate Services Ltd at P.O. Box 448, 2<sup>nd</sup> Floor, Midtown Plaza, Elgin Avenue, George Town, Grand Cayman, KY1-1106, Cayman Islands

LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495 GT, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiff as enforcer of The Shipping and Shipbuilding Investments (1988) Star Trust made by Declaration of Trust dated 30 January 2001 ("the Trust"), the Plaintiff seeks the following relief pursuant to sections 48 and 102 (a) and (b) of the Trusts Law (2011 Revision) ("the Law"), GCR O.85, r.2(2)(a) and/or the Court's equitable jurisdiction:

1. A declaration as to the identity of those persons possessing standing to enforce the Trust pursuant to the terms of the Declaration of Trust and/or pursuant to section 100 of the Law including:
  - 1.1 a declaration that the Plaintiff is the sole enforcer of the Trust;
  - 1.2 a declaration that the appointment of the Second Defendant as a joint enforcer of the Trust, by way of deed made by the Plaintiff on 8 April 2009 was invalid *ab initio*;
  - 1.3 alternatively, a declaration that by the deed of revocation of appointment of joint enforcer made by the Plaintiff on 20 February 2014 the Plaintiff validly revoked the appointment of the Second Defendant as a joint enforcer of the Trust;
  - 1.4 in the further alternative, a declaration that the appointment of the Second Defendant as joint enforcer of the Trust is invalid under the rule in *Re Hastings Bass*;
  - 1.5 a declaration that the appointment of the Third Defendant as a joint enforcer of the Trust, by way of deed made by the Second Defendant on 17 January 2014, was invalid *ab initio*;
  - 1.6 alternatively, a declaration that the Third Defendant's appointment as an enforcer of the Trust automatically terminated upon the execution by the Plaintiff of the deed of revocation of the appointment of the Second Defendant on 20 February 2014;
  - 1.7 in the further alternative, a declaration that by the deed of revocation of appointment of joint enforcer made by the Plaintiff on 20 February 2014, the Plaintiff validly revoked the appointment of the Third Defendant as a joint enforcer of the Trust.
2. A declaration as to the identity of the present Trustee of the Trust including a declaration that the Trustee of the Trust is the Fourth Defendant and that by the deed of removal and appointment of trustees made by the Plaintiff on 20 February 2014 the Plaintiff (a) validly removed the First Defendant as Trustee of the Trust and (b) validly appointed the Fourth Defendant as Trustee of the Trust.
3. In the alternative to the declaration sought in paragraph 2 above, an order appointing the Fourth Defendant as Trustee of the Trust in place of the First Defendant under section 10 of the Law, alternatively under the inherent jurisdiction of the Court.
4. An order requiring the First Defendant to transfer and deliver up to the Fourth Defendant the property and records of the Trust.
5. An account and inquiry as to the Trust property.
6. An order requiring the First Defendant to provide to the Plaintiff such documents and records relating to the Trust, and to the Controlled Companies (as defined at Schedule 3 of the Declaration of Trust), as this Honourable Court shall find fit.

7. Further or alternatively, an order requiring the First Defendant to provide to the Plaintiff the documents and information specified at section 105(1)(b) of the Law.
8. A declaration that the Plaintiff is entitled to an indemnity from the assets of the Trust for his costs of the Summons, and such other costs he has incurred as an enforcer of the Trust as this Court shall find fit, pursuant to clauses 11(f), (k) and/or (j) of the Declaration of Trust, and/or pursuant to section 102(b) of the Law, and/or pursuant to this Court's equitable jurisdiction.
9. Pursuant to the declaration that the Plaintiff is entitled to an indemnity from the assets of the Trust pursuant to clause 11(f) of the Declaration of Trust, such orders as may be necessary to enforce his right to an advance from the assets of the Trust pursuant to that clause.
10. If and so far as may be necessary, administration of the trusts of the Trust by the Court.
11. Further or other relief.
12. Costs.

If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to them as the Court may think just and expedient.

Dated the 10<sup>th</sup> day of March 2014

  
**HARNEY WESTWOOD & RIEGELS**  
**Attorneys-at-Law for the Plaintiff**

NOTE: – This Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the above date unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS was issued by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Harbour Place, 103 South Church Street, PO Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: DWH/045422.0001).

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BETWEEN:

IAN CUCKNELL

Plaintiff

AND:

(1) CALEDONIAN TRUST (CAYMAN) LIMITED  
(A company resident and incorporated in the Cayman Islands)  
(2) ANDREAS UGLAND  
(3) SCOTT LENNON  
(4) GENESIS TRUST & CORPORATE SERVICES LTD  
(a company resident and incorporated in the Cayman Islands)

Defendants

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ACKNOWLEDGMENT OF SERVICE OF  
ORIGINATING SUMMONS

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If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes  no

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Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

**Please complete overleaf**

**Notes on address for service**

**Attorney:** where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

**Defendant in person:** where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

**Indorsement by Plaintiff's Attorney (or be Plaintiff if suing in person)** of his name, address and reference, if any in the box below.

Harney Westwood & Riegels  
4<sup>th</sup> Floor Harbour Place  
103 South Church Street  
PO Box 10240  
Grand Cayman  
KY1-1002  
Cayman Islands  
  
(Ref: DWH/045422.0001)

**Indorsement by Defendant's Attorney (or by Defendant if suing in person)** of his name, address and reference, if any, in the box below).

[Empty box for Defendant's Attorney or Defendant indorsement]

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, PO Box 495GT, George Town, Grand Cayman.

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgement of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.